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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,962	07/07/2003	Hiroyasu Fujimoto	3629-0106P	4748

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EXAMINER

PIHULIC, DANIEL T

ART UNIT PAPER NUMBER

3662

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/612,962

Applicant(s)

FUJIMOTO ET AL.

Examiner

Daniel Pihulic

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 4-11 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-11 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-3 and 12-14 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/662,627.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20030707</u> . | 6) <input type="checkbox"/> Other: _____  |

1. The drawings are objected to because the term "MESUREMENT" in figures 11, 12 & 24 appears to be misspelled. Correction is required.
2. This application does not contain an abstract of the disclosure in compliance with 37 CFR 1.72(b). An abstract with less than 151 words on a separate sheet is required.
3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 4-9, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Furukawa et al. (US5737246). The Furukawa et al. reference discloses the utilization of a display instrument (1) having a display screen (4) for displaying a predetermined image (4B) and an alarm on in an emergency, wherein the predetermined image is displayed on the display screen at low brilliance, and the screen

is changed into high brilliance during an alarm time (see column 14, lines 61-64) as recited in claim 4.

With regards to claim 5 the Furukawa et al. reference discloses an alarm sound generating means (7).

With regards to claim 6 the Furukawa et al. reference discloses the display screen flashes on and off during the alarm time (see column 14, lines 61-64).

With regards to claim 7 the Furukawa et al. reference discloses measurement means for measuring water depth data and said display instrument displaying water depth data measured by the measurement means, wherein said display screen of the display instrument displaying an alarm on in a case where the water depth data is abnormal, and wherein the water depth data is displayed on the display screen at low brilliance, and the screen is changed into high brilliance at an alarm time (see FIG. 1 and column 14, lines 42-64).

With regards to claim 8 the Furukawa et al. reference discloses the alarm is displayed on the display screen, and an alarm signal is generated when the water depth data is abnormal (see column 14, lines 42-64).

With regards to claim 9 the Furukawa et al. reference discloses the alarm is displayed on the display screen and the alarm is given by a sound when the water depth data is abnormal (see column 14, lines 42-64).

With regards to claim 11 the Furukawa et al. reference discloses the display screen is made to flash on and off at the alarm time (see column 14, lines 61-64).

With regards to claim 15 the Furukawa et al. reference discloses a display apparatus, comprising: a display instrument (1) having a display screen (4) for displaying a predetermined image and an alarm on in an emergency, wherein the display screen flashes on and off during an alarm time (see column 14, lines 61-64).

6. Claims 4-9, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by JP10141952. The reference discloses the utilization of a display instrument having a display screen for displaying a predetermined image and an alarm on in an emergency, wherein the display screen flashes on and off during an alarm time (see FIG. 8).

with regards to claims 4-9 and 11 the reference discloses the utilization of an alarm sound and depth measuring (see the abstract and FIG. 8).

7. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Pihulic whose telephone number is 703-306-4168. The examiner can normally be reached on Monday through Thursday from 7

a.m. to 5 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 703-306-4171.

The fax phone numbers for the organization where this application or proceeding is assigned are:

703-872-9306 for official responses, and

703-746-3847 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Daniel Pihulic**  
**Primary Examiner**  
**Art Unit 3662**